

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENXIN KARSHIS

VS

CIVIL ACTION NO. 04-10234-RGS

RHONDA K. SIMPER

DEFENDANT'S ANSWER

1. The Defendant admits the allegations contained in paragraph 1.

2. The Defendant admits the allegations contained in paragraph 2.

3. The Defendant denies the allegations contained in paragraph 3. The Defendant specifically denies that the matter in controversy exceeds the sum of \$75,000.

4. In response to the allegations contained in paragraph 4 of Count I, the Defendant refers to her previous answers as contained herein.

2. The Defendant admits the allegations contained in paragraph 5 of Count I.

6. The Defendant admits the allegations contained in paragraph 6 of Count I.

7. The Defendant denies the allegations contained in paragraph 7 of Count I.

8. The Defendant denies the allegations contained in paragraph 8 of Count I.

SECOND DEFENSE

The Plaintiff was negligent causative of the accident and such negligence was greater than any negligence of the Defendant and therefore the Plaintiff is barred from recovery.

THIRD DEFENSE

The Plaintiff was negligent causative of the accident such that if the Defendant is found to be negligent to a

degree equal to or greater than the Plaintiff then the plaintiff's negligence diminishes any damages to which the Plaintiff might otherwise be entitled.

FOURTH DEFENSE

The alleged accident was caused by one for whose conduct the Defendant is not responsible.

FIFTH DEFENSE

The court lacks jurisdiction over the subject matter of this complaint in that the matter in controversy does not exceed the jurisdictional requisite of \$75,000 and therefore the matter must be dismissed.

Wherefore, the Defendant demands that the action be dismissed together with costs.

The Defendant hereby claims a trial by jury.

MILTON, LAURENCE & DIXON
Attorneys for Defendant

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